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October 24, 2023

via ECF

Honorable Joseph H. Rodriguez, U.S.D.J.
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Courtroom 5D
Camden, New Jersey 08101

Honorable Sharon A. King, U.S.M.J.
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Courtroom 5C
Camden, New Jersey 08101

Re: **Christopher Leary v Egg Harbor Township Police Department, et al.**
Docket # 1:23-cv-04070 (JHR/SAK)

Your Honors:

The undersigned represents Defendants Jeffrey Lancaster, Reynold Theriault and Policemen's Benevolent Association Mainland Local 77 (pleaded as "Mainland Local PBA 77") (collectively, "the PBA Defendants") in the above referenced matter. I write regarding the pending motions returnable before the Court: [1] the PBA Defendants' motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6), ECF#10, currently listed as returnable on November 6, 2023 before Judge Rodriguez; & [2] Plaintiff's cross-motion for leave to amend his complaint, ECF #21, currently listed as returnable on November 20, 2023 before Magistrate Judge King.

The subject matter of these motions are related in that Plaintiff's Brief in opposition to our motion to dismiss (ECF#20) specifically references Plaintiff's application for leave to amend, which is captioned as a "NOTICE OF CROSS MOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT" (see ECF#21) and was filed in response to our motion to dismiss. Thus, consistent with Local Civil Rule 7.1(h) governing cross-motions, we respectfully submit that both motions should be returnable on the same date.

Given my schedule over the next week during which I will be out of state from

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October 27th through the 30th, the current due date for our reply brief regarding the motion to dismiss, we respectfully request that our motion and Plaintiff's cross-motion both be listed as returnable on **November 20, 2023**, with our reply in further support of the motion to dismiss and our opposition to Plaintiff's cross-motion to amend being due on **November 13, 2023**.

We respectfully submit that this is appropriate under Local Civil Rule 7.1(h) which provides that when a cross-motion is filed and upon the request of the original moving party, the Court may enlarge the time for briefing and adjourn the original motion day. As required by the rule we will file a single combined reply brief in further support of our motion and in opposition to Plaintiff's cross-motion on or before November 13th.

Lastly, we note that co-Defendants N.J. State Association of Chiefs of Police and William Nally have also filed a Rule 12(b)(6) motion to dismiss for failure to state a claim (ECF#19) that is returnable before Judge Rodriguez on November 20, 2023.

We thank the Court for its courtesies and consideration of this request and will await direction from the Court.

Respectfully submitted,

Sciarra & Catrambone, L.L.C.

By: /s/ Jeffrey D. Catrambone (JC 2870)

JDC/j

cc: all counsel of record (*via ECF*)